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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/019,675

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Nevio Vidovic

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08/24/2004

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EXAMINER

PYO, KEVIN K

ART UNIT

PAPER NUMBER

2878

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/019,675

**Applicant(s)**

VIDOVIC ET AL.

**Examiner**

Kevin Pyo

**Art Unit**

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/3/2002</u> .                                                            | 6) <input type="checkbox"/> Other: ____.                                    |

### ***Specification***

1. The disclosure is objected to because of the following informalities:

The recitations of claim reference number in the specification (i.e. on page 1, lines 7 and 10; on page 2, line 33; and on page 3, line 26) should be deleted since claims can be canceled during the course of future prosecution.

Appropriate correction is required.

### ***Claim Objections***

2. Claim 12 is objected to because of the following informalities:

In view of providing the proper antecedent basis for the phrase "said cavity" of claim 12, line 1, it appears that claim 12 should depend on claim 11, instead of claim 9. In order to expedite the prosecution, the Examiner will treat claim 12 as depending on claim 11 in determining patentability based on art.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Aagard (4,487,206).

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Regarding claim 10, Aagard shows in Figs.2 and 3 the following elements of applicant's claim: a) a sensor element (44) connected to a measuring and control unit (34-37) via an optical connection (40, 31-33) and being adapted for providing a signal corresponding to a measurement of a physical parameter (pressure) influencing the sensor element (44); b) a light source (34) functioning to generate a measuring signal brought to come in towards the sensor element (44); c) a detector (37, 36) for detecting the intensity of the measuring signal in the measuring and control unit, after influencing the measuring signal in the sensor element (44); d) a semi-reflecting device (49) for partial reflection of the measuring signal at a point along the optical connection (40) at a predetermined distance from the sensor element (44), said detector (36) being arranged for detection of the intensity of the signal corresponding the said partially reflected measuring signal; and e) an evaluation unit (35) for determining a measurement of said parameter, based on the intensity of the partially reflected signal and the intensity of measuring signal.

Regarding claim 1, the method steps therein are inherently disclosed by the device of Aagard.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aagard in view of Slemon et al (5,051,578).

Regarding claim 2, Aagard does not disclose that the value of the parameter is determined by calculating quotient of the two intensity signals. However, Slemon et al discloses that its monitoring unit comprising ratio determining electronics (32 and 34 in Fig.1) provides a true reading of the effect of the sensing element accurately. It would have been obvious to one of ordinary skill in the art to utilize the evaluation unit of Slemon et al in Aagard in view of providing more accurate determination of a measurement of the parameter.

Regarding claim 3, the specific manner in which the light signals are manipulated would have been obvious to one of ordinary skill in the art in view of design requirements.

7. Claims 4-7 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aagard.

Regarding claims 5, 6 and 11-13, the recited sensing element and the recited scheme used for manufacturing a sensing element, as stated in the applicant's disclosure, are well known in the art and only require routine engineering skill in the art. The specific sensing element used and the specific scheme used for manufacturing a sensing element would have been obvious to one of ordinary skill in the art in view of design requirements and the desired performance.

Regarding claim 4, the specific manner in which light beam is transmitted from the light source (34) would have been obvious to one of ordinary skill in the art in view of design requirements.

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Regarding claim 7, the specific use of the sensor device would have been obvious to one of ordinary skill in the art in view of the desired performance.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Knute et al (5,107,847) is cited for disclosing a fiber optic transducer apparatus.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Pyo whose telephone number is (571) 272-2445. The examiner can normally be reached on Mon-Fri (with flexible hour), First Mon. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin Pyo  
Primary Examiner  
Art Unit 2878

Pkk  
8/20/04